GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Registration & Stamps Department – Orders of Upa-Lokayukta dated: 29.06.2011 in complaint No.1391/2008/B2 against Smt D.M.Syamala, former District Registrar (Market Value & Audit), Vijayawada – Departmental proceedings initiated – Written Statement of Defense submitted – Regular Enquiry conducted – Disciplinary case finalized – Imposing a penalty of 10% cut in pension for a period of three years – Orders – Issued – Review Petition filed – Rejected – Orders – Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No. 5 **Dated:02-01-2018.**

Read the following:

1. C&IG, R&S, AP., Hyd., Lr.No.Vig.3/11830/2011, dt:3-9-2011 along with orders of Hon'ble Upa-Lokayukta, AP., Hyd., in Complaint No.1391/2008/B2, dt:29-6-2011 filed by M.Gnanamba, Loksatta Leader, Vijayawada.
2. G.O.Rt.No.1474, Rev (Vig.VI) Deptt., dt:13-12-2011.
3. Representation of Smt.D.M.Syamala, former DIG, R&S, Chittoor dt:6-1-2012.
4. Govt., Memo.No.38691/Vig.VI(1)/2011-4, d:11-5-2012.
5. G.O.Rt.No.588, Rev (Vig.VI) Deptt., dt:31-4-2013.
6. D&IG, R&S, AP., Hyd., Lr.No.Vig.3/11830/2011, dt:19-11-2015 along with Inquiry Report.
7. Govt., Memo.No.38691/Vig.II(1)/2011-8, dt:11-01-2016.
8. DIG, R&S, Vijayawada Lr.No.E1/520/2016, dt:10-8-2016.
9. Govt., Memo.No.38691/Vig.II(1)/2011-10, dt:6-10-2016.
10. Representation of Smt.D.M.Syamala, former DIG, R&S (Retd) dt:5/1/2017 along with representation dt:29-9-2016.
11. Govt., Lr.No.38691/Vig.II(1)/2011-12, dt:14-2-2017.
12. APPSC Lr.No.283/DC&C/1/2017, dt:24-3-2017.
13. G.O.Rt.No.408, Rev (Vig.II) Deptt., dt:20-4-2017.
14. Review Petition filed by Smt.D.M.Syamala, former DIG,R&S (Retd)

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O R D E R :

Whereas, in the reference 1st read above, the Commissioner & Inspector General, Registration & Stamps, Andhra Pradesh, Hyderabad while furnishing copy of the orders of Upa-Lokayukta in complaint No.1391/2008/B2, dated:29-6-2011 along with Director (Investigation) Office of Lokayukta have requested the Government to initiate disciplinary action against Smt.D.M.Syamala, former District Registrar (Market Value & Audit), Vijayawada (now Retired as Deputy Inspector General, Registration & Stamps, Eluru).

2. And whereas, in the reference 2nd read above, Government have initiated disciplinary proceedings against Smt.D.M.Syamala, former District Registrar (Market Value & Audit), Vijayawada (now Retired as Deputy Inspector General, Registration & Stamps, Eluru) duly framing the following charges.

Charge-I:

The Charged Officer claimed hiring charges at the rate of Rs.18,000/- per month for her own car, in benami, by falsification of records, and she claimed the money by deceitful means.

Charge-II:

The Charged Officer has failed to maintain "Stock Register" and Issue Register willfully, with a view to avoid accounting the amount spent on contingent items, such as stationery etc., and thereby resorted to embezzlement of funds.

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Charge-III:

The Charged Officer has employed Sri Ch.Subba Rao, a retired Sub Registrar for getting her work carried out, contrary to the guidelines issued by Government.

Charge-IV:

The Charged Officer deputed the staff to Patamata and Gunadala and Gandhinagara offices on some pretext or other and was running the office from her residence through Sri Ch.Subba Rao by closing the office in day time.

Charge:V:

The Charged Officer did not dispatch her tour programme in advance to the concerned for taking up the Internal Audit as well as Post facto inspections which is contrary to the guidelines issued by the Government.

Charge-VI:

The Charged Officer while working as District Registrar (Audit), Vijayawada in abuse of official position, prepared two sets of separate tour programme, intending one set to the Sub Registrars and the other for claiming TA bills which acts are unbecoming of a public servant.

Charge-VII:

The Charged Officer has deputed Sri Ch.Subba Rao, Retired Sub Registrar who was employed by her, to conduct internal audit in the Sub Registrars Offices and getting the issues settled at her level with the Sub Registrars whenever deficiencies were noticed in collection of stamp duty and fee without bringing the same on record, thereby gained not only pecuniary gain to self but also caused loss of Revenue to the Government.

Charge-VIII:

The Charged Officer has deputed Sri Ch.Subba Rao, a Retired Sub Registrar, who was employed by her to conduct Post facto inspections in Sub Registrar Offices contrary to guidelines issued by the Government, getting issues settled directly with the parties whenever variations were noticed in measurements etc., and thereby not only gained pecuniary advantage to self but also caused loss of Revenue to the Government.

Charge-IX:

The Charged Officer, whenever noticed certain deficiencies in collection of stamp duty and Registration fee during the internal audit, in abuse of her official position, not brought to the notice of higher authorities (i.e., Deputy Inspector General) and finalization of remarks and thereby not only extended official favour to the concerned Sub Registrars and parties but also causing huge loss of Revenues to the Government.

Charge-X:

The Charged Officer while working as District Registrar (Audit), Vijayawada in abuse of her official position has obtained the explanations from the concerned Sub Registrars for the half margin remarks, in the internal audit, after completion of three months, contrary to the guidelines issued by the Department.

3. Government appointed the Vigilance Officer Office of the Commissioner & Inspector General, Registration & Stamps as Inquiring Authority to enquire in to the charges framed against the Charged Officer and furnish the enquiry report to Government for taking necessary action in the matter in the reference 5th read above.

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4. In the reference 6th read above, the Inquiring Authority has submitted the report stating that on the basis of oral and documentary evidence adduced before the enquiry officer, he hold that the charges-I, VI to X were held not proved and the Charges-II to V were held proved.

5. Government after careful examination of the matter and after following due procedure laid down in Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 and Rule 9 of Andhra Pradesh Revised Pension Rules, have issued orders imposing a penalty of 10% cut in pension for a period of three years against the Charged Officer Smt.D.M.Syamala, former Deputy Inspector General, Registration & Stamps (Retired) in the reference 13th read above.

6. Aggrieved by the above orders, the Charged Officer filed Review Petition under Rule 38 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 before the Government with regard to charges held proved by the Inquiring Authority as follows:

> With regard to Charge-II, she has stated that it is not true that she has not maintained the Stock Register and Issue Register since the Regular Enquiry Officer who conducted enquiry is not sure himself that she has not maintained the Stock Register & Issue register and stated that the Inquiring Authorities depositions are simply borne of facts but figment of his imagination which is skeptical.
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> With regard to Charge-III, she has stated that the said Sri Ch.Subba Rao worked as a Sub Registrar in their office before his retirement and he used to come to Vijayawada monthly to receive his pension and whenever he came to Vijayawada, he used to visit the office being an ex-employee of the office and well acquainted with the other members of the staff and also stated that it is not uncommon to the employees working in an office to seek clarification to their doubts when an ex-employee of the office visits the office. In that context, the Retired Sub-Registrar might have made some entries in registers in order to acquaint them with the procedure of making entries.
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> With regard to the Charge-IV, she has stated that Audit of Urban Sub Registrar offices approximately 28 Offices were entrusted to her for commuting between 28 offices situated in both the revenue districts of Krishna and Guntur Districts which consumes lot of time and stated that as the number of transactions in all the 28 offices is substantial, there is no sufficient time to sit in the office located in Vijayawada. She has further stated that besides that she was also entrusted post - facto Spot inspection of properties registered by Sub Registrars in the Districts of Krishna and Guntur. She has further stated that except the attender, all the staff Members of the office were conducting audit of different Sub-Registrar Offices on almost all the working days and stated that with regard to running the office with the Retired Sub Registrar from her residence, she has stated that there is no chance to run the office from her residence through a retired Sub Registrar and it is a known fact that no registering public do not come to audit District Registrar Office for ECs or CCs. And with regard to closing office, she has stated that usually office remains open during the working hours on all working days but due to as mentioned supra including herself and staff visited various offices due to clearance of official work in the two heavy districts and it is more common that the concerned administrative superintendent should see that the office should open during the working hours with staff. She has further stated that to her bad fate, none of the administrative staff shouldered the responsibility which lead to throwing blame on her and stated that no charges have been framed

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against any body who were working by then and charge framed only against her which is against to the principle of natural and common justice which clearly shows personal grudge none other than that. She has further stated that no Head of the office instructs their subordinates to regularly open office at correct times and close and stated that since it is a regular practice and established procedure to open offices as per schedule timings and close accordingly.

With regard to the Charge-V, she has stated that during the enquiry, the Presenting Officer has replied to a question that he had no information as to for which period, the Charged Officer had not submitted the tour programme. She has further stated that Government day to day progressing towards new technologies for easy communications and response. In this regard, she has stated that all the Sub-Registrar's Offices in the district are provided with telephones and as soon as, when any tour programme fixed, the concerned Sub-Registrar was being informed over phone to enable the Sub-Registrar to prepare necessary data for the internal audit / post facto spot inspection and no inconvenience was caused to any of the Sub-Registrars in this regard. She has further stated that the tour programmes were being dispatched to the concerned with unavoidable delay since they were being informed over phone in advance.

7. With the above, she has stated that all the above charges held to be proved just based on the assumptions and presumptions which will not stand before the legal scrutiny and therefore, requested the Government to consider the Review Petition on the above considerable grounds and set aside the orders issued in the reference 13th read above duly exonerating her from the charges.

8. Government after careful examination of the matter have observed that the individual in her Review Petition did not submit any valid grounds than those what she has earlier submitted for consideration. Therefore, the Review Petition has no merits to consider and liable for rejection. Accordingly, the Revision Petition filed by Smt.D.M.Syamala, former Deputy Inspector General, Registration & Stamps (Retired) in the reference 14th cited is hereby rejected.

9. The Director & Inspector General, Registration & Stamps, Andhra Pradesh, Vijayawada shall take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Individual (through the Director & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada with a request to serve the order on the Charged Officer and furnish the served copy along with dated acknowledgement to Government for record).
The Director & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada.
SF / SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER